

UNITED STATES DISTRICT COURT - DISTRICT OF MASSACHUSETTS

ANDRE BISASOR, Plaintiff,

v.

CRAIG S. DONAIS; RUSSELL F. HILLIARD; DONAIS LAW OFFICES, PLLC;
UPTON & HATFIELD, LLP; and MARY K. DONAIS, Defendants.

Case No. 1:23-CV-11313

EMERGENCY/EXPEDITED
PLAINTIFF'S MOTION TO STRIKE THE NEW UNPERMITTED DEFENSES IN
THE DONAIS DEFENDANTS' SECOND PRE-ANSWER MOTION TO DISMISS

1. COMES NOW the Plaintiff, and respectfully requests that the court strike the new unpermitted defenses in the Donais defendants' second preliminary pre-answer motion to dismiss.
2. In support of this motion to strike, I have attached a memorandum of law to this motion, as **the first attachment** to this motion [which is 25 pages as it relates to a dispositive motion].
3. Because this relates to a dispositive motion, it is thus to be treated as a dispositive motion itself and concurrence can be assumed to not be necessary or to not be forthcoming. In any event, I did not have time to seek concurrence from the defendants on this motion because of the short timeline involved and the deadline that is due today.
4. I ask the court to rule urgently on this motion so I can know right away if this motion is granted.
5. If the court does not rule on this motion right away, then I ask that the deadline for refiling my supplemental opposition to the defendants' motion to dismiss be stayed until the resolution of this motion.
6. I cannot refile my supplemental opposition to the motion to dismiss if I do not know if the new defenses in the second motion to dismiss will be stricken. This is an eminently reasonable point.
7. Similarly, if the court does strike the new defenses in the second motion to dismiss, I will need an opportunity to refashion my supplemental opposition without reference to the new defenses and

thus I ask for a reasonable time thereafter to do so, subject to the other pending motions that are filed concurrently with this motion or in conjunction with this motion.

8. I will not know how to proceed with my supplementary opposition until I hear from the court on this motion or unless the motion is fully resolved.
9. Thus, I ask that the deadline for refileing my supplemental opposition to the defendants' motion to dismiss be stayed or extended beyond today's deadline.
10. I ask that this motion be referred to the district court judge for expedited ruling.
11. If the court denies the motion, I would like to preserve my right to appeal immediately to the first circuit and ask the court to provide me the instructions necessary for appealing right away or the opportunity to appeal right away. Otherwise, I ask the court to stay the proceedings until the first circuit disposes of such appeal, should an appeal be necessary.
12. Please grant the relief requested or other relief deemed just and proper.
13. NB: Please grant a pro se liberal construction to this pleading in accordance with the attendant US supreme court rulings and other supporting case law as well as pursuant to the dictates of modern socially responsible and conscientious jurisprudence.
14. WHEREFORE, I hereby humbly request this Honorable Court:
 - a) Strike this improper second successive pre-answer motion to dismiss with unpermitted newly asserted defenses filed by the Donais defendants.
 - b) Grant a pro se liberal construction to this pleading.
 - c) Grant any other relief that the Court deems just and proper.

Respectfully submitted,
/s/ Andre Bisasor
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